

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DERRICK L. KING,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-1005
	:	
OFFICER MATTHEW CAVALLO,	:	
<i>et al.,</i>	:	
Defendants.	:	

ORDER

AND NOW, this 5th day of April, 2019, upon consideration of Plaintiff Derrick L. King's Motions to Proceed *In Forma Pauperis* (ECF Nos. 4 & 6), his Prison Account Statements (ECF Nos. 5 & 7), and his *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Derrick L. King, #2016-4945, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by King, he is not assessed an initial partial filing fee. In each month when the amount in King's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to King's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 19-1005.
3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the Berks County Jail.
4. The Complaint is **DEEMED** filed.
5. The complaint is **DISMISSED** in its entirety as legally baseless and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), for the reasons stated in the

Court's Memorandum. King's claims against Judge Barrett, McNaughton, Moll, and Uptown Transportation Services are **DISMISSED with prejudice**. King's claims against Officer Cavallo, Wyomissing Police Department, and Kasardo are **DISMISSED without prejudice** to amendment in accordance with paragraph six (6) of this Order.

6. King is given leave to file an amended complaint against Officer Cavallo, Wyomissing Police Department, and Kasardo within thirty (30) days of the date of this Order in the event he can state a plausible claim against those Defendants. If King files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. Any individual or entity that is not listed in the caption will not be treated as a defendant. The amended complaint must also clearly describe how each defendant was responsible for violating King's rights. When drafting his amended complaint, King should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

7. If King fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II, J.